



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 4/7/96	LAVERN T. COELHO was appointed Executor and Letters issued on 2/11/97.	NEEDS/PROBLEMS/COMMENTS: 1. Need petition for final distribution pursuant to Probate Code §12200 or status report pursuant to Local Rule 7.5.
	Inventory and Appraisal was filed 9/15/97.	
Aff.Sub.Wit.	Executor's First Account was settled 7/10/98.	
Verified		
Inventory		
PTC	On 9/30/05, Executor filed a Petition for Instructions and Authorization to Transfer Real Property of the Estate Pursuant to the Terms of a Litigation Settlement Agreement, which was granted 11/28/05.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.	On 12/1/08, Executor filed a Petition to Authorize Settlement and Compromise of Actions and Claims Against the Estate, which was granted 1/22/09.	
Pers.Serv.		
Conf. Screen		
Letters	Thereafter, nothing further was filed.	
Duties/Supp		
Objections	The Court set this status hearing for failure to file a petition for final distribution and sent notice to Attorney Ted R. Frame on 4/6/15.	
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 5/8/15
		Updates:
		Recommendation:
		File 1 – Coelho

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 4-15-05	JOEL MURILLO was appointed Executor with Full IAEA without bond and Letters issued on 2-22-06.	NEEDS/PROBLEMS/COMMENTS:
Aff.Sub.Wit.	The Second Amended Petition for Probate filed 1-3-06 estimated the estate to contain real property valued at \$155,000; however, no Inventory and Appraisal was ever filed.	
Verified		
Inventory		
PTC		
Not.Cred.	Dept. of Health Care Services filed two creditor's claims on 12-30-05 totaling \$297,816.16 as well as Requests for Special Notice.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.	Notice of Pendency of Action filed 10-16-08 indicates an action entitled "Sandra Shewry, Director of the Department of Health Care Services vs. Joel M. Murillo, as Personal Representative of the Estate of Elvira Rodriguez, Decedent; and Does 1 through 20, inclusive." The nature of the action is a Complaint to Enforce and Collect Money Due on a Medi-Cal Creditor's Claim for \$41,055.02 pursuant to W&I Code § 14009.5.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report	Thereafter, nothing further was filed herein.	
9202		
Order		
Aff. Posting	The Court set status hearing re failure to file I&A and petition for final distribution for and sent notice of hearing to Attorney Joel Murillo on 11-22-13. Hearings were held on 2-28-14, 5-16-14, 6-9-14 and 8-11-14.	
Status Rpt		
UCCJEA		
Citation	I&A filed 6-25-14 indicates real property valued at \$130,000.00	
FTB Notice		
	Minute Order 8-11-14 states Attorney Murillo will file documents to close this matter, and the status hearing was not continued. However, nothing further was filed.	
	The Court set this further status hearing for failure to file a petition for final distribution and sent notice to Attorney Murillo 4-6-15.	

1. A Petition to Determine Succession was filed in separate case 14CEPR00329 to pass the real property that was alleged to be an asset of the estate to Ms. Garcia outside of this probate estate.

The petition was granted 6-9-14, and pursuant to the Order Determining Succession, the property passed to Ms. Garcia.

On 6-25-14, a Final I&A was filed in this estate reflecting that property. However, the property has now been determined to have passed to Ms. Garcia pursuant to the Order Determining Succession. That means that the property is no longer an asset of this estate, and the I&A filed 6-25-14 is incorrect.

Regardless, it appears that this estate, having been opened in 2005, still needs to be closed, with notice as appropriate. (Note: A Request for Special Notice was filed 7-3-06 by the California Department of Health Care Services.)

Reviewed by: skc

Reviewed on: 5-8-15

Updates:

Recommendation:

File 2 – Rodriguez

First and Final Report of Executor with Waiver of Accounting, for Allowance of Attorneys Fees for Ordinary Services, and for Final Distribution.

DOD: 9/8/06		<p>PETER A. WAGNER, Executor with Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived by Peter A. Wagner as Trustee of the Grubb Family Trust.</p> <p>I&A: \$318,191.93 (Per petition at Page 4, #8; however, no I&A was filed.)</p> <p>POH: \$85,071.47 cash</p> <p>Executor (Statutory): Waived</p> <p>Attorney (Statutory): \$9,363.83</p> <p>Distribution pursuant to Decedent's will:</p> <p>Peter A. Wagner as trustee of the Grubb Family Trust: Entire estate</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need Inventory and Appraisal. Petitioner indicates that the Inventory and Appraisal was filed totaling \$318,191.93; however, it does not appear that the Inventory and Appraisal was ever filed with the Court. Need Notice of Hearing. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on trust beneficiaries pursuant to Probate Code §1208: <ul style="list-style-type: none"> - Cheryl Lynne Wagner - Melissa Joy Wagner Need trustee's written acceptance of trust pursuant to Probate Code §10954(b)(4) in order for Peter A. Wagner to waive accounting in his capacity as Trustee of the Grubb Family Trust. Need declaration of trustee pursuant to Local Rule 7.12.5. (This is a separate declaration from the acceptance of trust referenced in #4 above.) Need Proposed Order pursuant to Local Rules 7.1.1.F, 7.6.1. 	
<input type="checkbox"/>	Aff.Sub.Wit.			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Verified			<input type="checkbox"/>
<input type="checkbox"/>	Inventory			<input checked="" type="checkbox"/>
<input type="checkbox"/>	PTC			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Not.Cred.			<input type="checkbox"/>
<input type="checkbox"/>	Notice of Hrg			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Mail			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.			<input type="checkbox"/>
<input type="checkbox"/>	Sp.Ntc.			<input type="checkbox"/>
<input type="checkbox"/>	Pers.Serv.			<input type="checkbox"/>
<input type="checkbox"/>	Conf. Screen			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Letters			6/2/08
<input type="checkbox"/>	Duties/Supp			<input type="checkbox"/>
<input type="checkbox"/>	Objections			<input type="checkbox"/>
<input type="checkbox"/>	Video Receipt			<input type="checkbox"/>
<input type="checkbox"/>	CI Report			<input type="checkbox"/>
<input checked="" type="checkbox"/>	9202			<input type="checkbox"/>
<input type="checkbox"/>	Order			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff. Posting			<input type="checkbox"/>
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>		
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>		
<input type="checkbox"/>	Citation	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	FTB Notice	<input type="checkbox"/>		
<p>Reviewed by: skc</p> <p>Reviewed on: 5/8/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Grubb</p>				

4A In Re the Trust of Elaine A McLain (Trust)

Case No. 11CEPR00028

Atty Panzak, Gordon G. (for Jeff Dale – Successor Trustee – Petitioner)

Atty Marshall, Jared (Associated counsel for Jeff Dale)

Atty Freed, William J. (for Debbie Duehning, Guardian ad Litem for George McLain, IV)

Trustee/Respondent's Motion to Dismiss, and Points and Authorities in Support, and Declaration in Support

DOD: 5-21-08		<p>JEFF DALE, Successor Trustee, is Petitioner.</p> <p>Petitioner states: In 1996, ELAYNE MCLAIN created the ELAINE A. MCLAIN TRUST of 1996. (The trust preparer misspelled the Settlor's name.) The Trust was effective upon its creation and provided for GEORGE MCLAIN, IV and MICHELE L. DALE to be co-trustees. The trust was funded and duly administered by the Co-Trustees until 2007, when both co-trustees developed dementia. Under the terms of the trust, JEFF DALE (Petitioner) then became the sole successor trustee. Settlor Elayne McLain died 5-21-08, making the trust irrevocable.</p> <p>During the tenure of GEORGE MCLAIN, IV and MICHELE L. DALE, the real estate placed into the trust was sold. A great portion of the sales of the realty were consumed in the care of Settlor Elayne McLain. The balance was placed into an investment account under the names of ELAYNE MCLAIN and MICHELE DALE as joint tenants.</p> <p>In fall of 2008, the stock market collapsed and an emergency Order was obtained to allow funds to be withdrawn from the stock market, and approx. \$214,000 was saved.</p> <p>In 2011, JEFF DALE (Petitioner) filed a petition for instructions and was instructed by Judge Oliver to retain \$107,000 in the trust, and pay \$107,000 in settlement of an adverse claim.</p> <p>In July 2010, DEBBIE DUEHNING, as Guardian ad Litem for GEORGE MCLAIN, IV, who was then incapacitated, filed a petition for distribution in the Superior Court of San Diego, attempting to take control of the trust. She attempted to persuade the San Diego Court that it had proper venue by deceitfully stating that the trust was a new testamentary trust as opposed to an existing inter vivos trust administered in Fresno County since 1996.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 3-30-15, 4-27-15. The following issues remain:</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p> <p>Note: On 3-30-15, Debbie Duehning, GAL for beneficiary George McLain, IV, filed a Motion for Leave to Amend Petition along with Points and Authorities and a Declaration in support, which motion is set for hearing on 5-14-15. See Page B.</p>	
Cont from 033015, 042715				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
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<input type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input checked="" type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			X
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 5-8-15</p> <p>Updates: 5/11/15</p> <p>Recommendation:</p> <p>File 4 – McLain</p>	

4A

Page 2

Petitioner states (Continued): Objections were filed by Trustee Jeff Dale (Petitioner) and eventually the fraudulent action in San Diego County was dismissed. The attorney used by Duehning, James H. Pasto, was subsequently disbarred.

Litigation was filed by Duehning in Fresno County Superior Court in seriatum and the litigation has been on hold since January 23, 2012.

In July 2011, a First Accounting was filed and served on Duehning. During the various hearings in front of Judge Oliver, Mr. Pasto, on behalf of his clients:

- a. Waived time for filing responsive pleadings to the last two petitions;
- b. Agreed to settle the litigation by agreeing to take 50% of the approximately \$130,000 estate, less adjustments for creditor claims, costs and fees incurred to date;
- c. Agreed to place George McLain, IV, in a formal conservatorship in San Diego County;
- d. Agreed not to attack the trust administration before July 2007, which is when Mr. Dale's tenure as trustee began.

[Examiner's Note: *No accounting was ever filed with the Court. Minute Order 3-30-15 clarifies that the accounting was informal and provided in discovery.]*

Attorney Pasto failed to appear at two separate hearings, and the Court took the matter off calendar. Attorney Laurie Barber was retained by Duehning in July 2012, and a new attorney, William Freed, was retained by Duehning in August 2014.

Petitioner states despite an offer in settlement to allow a stipulated dismissal of all four petitions and for each side to absorb its fees and costs, and for immediate distribution of the trust, no actions have been taken by Attorney Freed.

As recently as February 2, 2015, Attorney Panzak reconveyed the offer to Attorney Freed's automated telephone system.

Trustee Jeff Dale is left with no alternative but to request a motion for dismissal and the other remedies sought. Petitioner states the trust is ready for distribution upon the Court's order of dismissal.

Please see petition for points and authorities and further argument.

The Trustee/Respondent (Petitioner herein) prays that the Court order as follows:

- 1. That all 4 petitions filed by the Petitioner (Duehning) be dismissed;**
- 2. That the Respondent be allowed Court fees and costs;**
- 3. That the Respondent be awarded Attorney Fees as Costs;**
- 4. That the Court make any further order it deems Fair and Just.**

Debbie Duehning, Conservator for George McLain, IV, filed a Response and Opposition to Trustee's Motion to Dismiss on 3-9-15.

SEE ADDITIONAL PAGES

Page 3

Objector states: Petitioner has labeled this filing a "motion to dismiss;" however, he has improperly included allegations more commonly used in petitions. Due to the strange format, Objector will first respond to the "statement facts," as if responding to a petition, will then bring argument, which will be in the form most traditionally associated with motion practice.

Objector states (in summary): Both Michele Dale and George McLain, IV, showed signs of diminished capacity since the late 1990s, and neither were capable of managing their financial affairs by the late 1990s. Jeff Dale began handling all financial matters for the trust in 1995.

Objector has never received paperwork regarding the sale of the various real properties that were half owned by the trust. Elaine McLain lived with Objector from 1991 until her death, and Objector received minimal financial assistance from Jeff Dale or the trust to care for her needs. Based on the value of the trust assets, as best known to Objector, the amount of money provided by Jeff Dale accounted for only a small fraction of what the trust should have received from the sales. There has been no accounting for these actions.

Objector has been unable to find an order indicated that Jeff Dale was instructed to "pay \$107,000 in settlement of an adverse claim." Instead, Objector found instructions that *both* \$107,000 accounts were to remain in the trust. Objector contends and alleges in her proposed amended petition that Jeff Dale was never instructed to pay an adverse claim and improperly spent and removed \$107,000 from the trust in violation of court orders.

Jeff Dale mischaracterizes the July 2010 San Diego petition. Duehning did not seek to "take control of the trust." She sought distributions that Jeff Dale failed to make for the previous two years before filing the petition, and sought to remove him as trustee because of his continued and complete failure to look out for the interests of George or Michele. She attempt to argue that San Diego was proper venue because Elaine McClain had lived there before, during, and after the trust was executed. She denies that she acted deceitfully. The matter was not fraudulently brought and no finding of fraudulent activity was ever argued and no assertion was before the San Diego Court. Attorney Pasto did not inform Duehning of his problems with the bar before, during, or after his disbarment.

After Duehning's petition, Jeff Dale initiated trust related proceedings in early 2011. Duehning's action was necessitated because Jeff Dale failed to make any distribution from the trust although it had been nearly three years since Ms. McLain's death.

Objector denies that the litigation has been "on hold" since 2012. This Court ordered Jeff Dale to distribute all trust funds owing to George on 3-20-12. He has never complied with this order. His failure to distribute funds greatly hindered progress of the prosecution of this matter. Had Jeff Dale distributed as ordered, the trust could have been closed, and all actions could be accounted for and subjected to the scrutiny of court proceedings.

SEE ADDITIONAL PAGES

Page 4

Objector states (Continued): No settlement was ever entered into or executed. Mr. Pasto never had authority to settle litigation, and never entered into any settlement with Duehning's consent or knowledge. Any discussions Mr. Pasto had, if any, were in apparent pursuit of his personal settlement goals and do not actually constitute a settlement. Duehning never gave Pasto authority to settle the litigation or limit Dale's or anyone else's liability or complicity for their wrongful actions.

Objector denies that there was any offer of "immediate distribution" of George's rightful share, as ordered. Jeff Dale merely tried to have his inaction and wrongdoing absolved by settlement.

Jeff Dale's legal obligation is to follow the Court's March 2012 order and distribute the funds to George to which he is legally entitled. Had he done that, a settlement would probably have occurred by now. Jeff Dale is responsible for the delay.

See pleading for further details as to Objector's argument. Objector requests the Court dismiss the Motion to Dismiss and allow her to proceed to bring this matter to trial.

Petitioner Jeff Dale filed a Rebuttal on 3-24-15 that prays the Court grant the prayer as stated in the motion.

Declaration of Debbie Duehning in Response to Rebuttal of Jeff Dale filed 5/7/15 states she never authorized attorney James Pasto to make certain agreements. See declaration for specifics.

SEE ADDITIONAL PAGES

Page 5 – NEEDS/PROBLEMS/COMMENTS:

1. Petitioner Jeff Dale requests that “all 4 petitions filed by the Petitioner (Duehning) be dismissed.” However, Court records indicate that there are only two (2) petitions currently outstanding in this matter:

- Ms. Duehning’s Petition for Order Compelling Trustee to Make Distribution to Trust Beneficiary; for Imposition of a Constructive Trust; and for an Accounting filed 4-6-11; and
- Ms. Duehning’s Petition to Review Reasonableness of Trustees Compensation, Reasonableness of Attorney’s Fees and Costs; for an Accounting and for Removal of Trustee filed 8-25-11.

Therefore, need clarification: What petitions, specifically, is Mr. Dale requesting be dismissed?

Note: On 9-6-11, Ms. Duehning filed a motion to amend her petition filed 4-6-11; however, the motion does not appear to have been granted or denied, and no amended petition was filed.

Note: Although the Court continued to include status conferences regarding Mr. Dale’s Petition for Instructions filed 1-13-11, the Court’s minute order of 4-11-11 reflects that that petition was granted, and an order was signed on 4-21-11. Therefore, it does not appear that this petition is technically outstanding.

Update: Ms. Duehning, filed a Motion for Leave to Amend Petition along with Points and Authorities and a Declaration in support, which motion is set for hearing on 5-14-15. See Page B.

2. As noted by Objector, although filed as a motion, Mr. Dale’s request appears to require review as a petition under Probate Code §17200. As such, it should state the names and addresses of each person entitled to notice pursuant to Probate Code §17201. The Court may require a declaration containing this information.
3. Petitioner states that he was instructed by Judge Oliver to retain \$107,000 in the trust and to pay \$107,000 in settlement of an adverse claim. As a matter of clarification, Examiner notes that the Court’s Order of 4-21-11 authorizes transfer of \$107,000 from the Michele Dale Conservatorship to the Elaine McLain Trust, only. There is no mention of payment of \$107,000 in settlement of an adverse claim. Note: The minute order of 4-11-11 indicates that the matter would be continued to 6-6-11 in the event that there are issues that still need to be resolved. At a later hearing on 10-3-11, Mr. Panzak advised that \$170,000 and \$25,000 have been transferred into segregated accounts, and the Court ordered that the accounts remain frozen. However, these figures do not correspond to the figures in the Order signed 4-21-11 or the figures in this petition. The Court may require clarification.
4. Notice of Hearing filed 4-22-15 indicates service was mailed to Michele Dale on 3-30-15, which is not quite the 30 days’ notice required by Probate Code §17203.

Page 2

- h) Add an actual Request for an Order Directing Jeffrey Dale to distribute George McLain IV's beneficial interest in the trust assets. Petitioner's original petition requested the order in the prayer for relief, but did not specify an actual Request for Relief;
- i) Add a Request for Relief for Damages for Breach of Trust and Breach of Fiduciary Duty, and for aiding and abetting the same;
- j) Add a request for Relief for Damages, for Fraud and Concealment;
- k) Add a request for Relief for Quiet Title. Petitioner alleges that Jeffrey Dale fraudulently sold Trust real property. Petitioner also alleges that Gordon Panzak never had title to the real property when he purportedly transferred it to Jeffrey Dale's company;
- l) Add a Request for Relief for Removal of Trustee;
- m) Add a Request for Relief for Cancellation of Deeds; and
- n) Add Prayers for Relief that reflect the above changes.

Attorney Freed states Petitioner's original counsel did very little work on her behalf and was facing disciplinary proceedings that led to his disbarment during his representation of Petitioner. He did not keep her well-informed. After Mr. Freed took over as counsel, he was only able to obtain a minimal amount of information from former counsel, and Petitioner had few documents to provide. After receiving this matter and obtaining records from three different court matters, his office was able to discover additional information. Petitioner believes this new evidence shows potential fraudulent acts by Respondent, Jeffrey Dale, and his counsel of record, Gordon Panzak. Specific details and timeline is provided in the declaration.

Mr. Freed states the request to amend was not made earlier for several reasons, as alleged in the SAP, including:

- Respondents were actively covering up actions and inactions, including utilizing Gordon Panzak as a "strawman" to cover up a real property sale to Jeffrey Dale's own company.
- George McLain IV was not a participant in Michele Dale's conservatorship proceedings, and neither he nor Petitioner were aware of the allegations made therein.
- Following months of no communication, Petitioner's first counsel, Mr. Pasto, provided almost no file information to Petitioner after she obtained new counsel, which placed additional difficulties on Mr. Freed's properly advising Petitioner the course of action to take and who to involve, in uncovering new facts and obtaining assets rightfully belonging to George McLain IV.
- Finally, once he received Respondent's Motion to Dismiss, he did not feel it was proper to file the Motion for Leave to Amend until after this Court rendered its decision on the dismissal.

Petition of Trustee to Settle Fourth Account Current, for Approval of Trustee's Fees and for Authorization to Compensate Counsel for the Trustee

			PERINE & DICKEN PROFESSIONAL FIDUCIAIRES,	NEEDS/PROBLEMS/COMMENTS:
			Trustee, is Petitioner, consisting of the	<p>Note: Petitioner states current bond is \$145,000.00; however, pursuant to Confirmation of Bond Reduction filed 6/12/14, the bond was reduced from \$152,000.00 to \$150,000.00 (not \$145,000.00). Petitioner requests to reduce bond to \$135,000.00.</p> <p>Note: If granted, the Court will set a status hearing for the filing of the Fifth Account as follows:</p> <ul style="list-style-type: none"> Thursday, April 7, 2016 if a one-year account is required; <p>OR</p> <ul style="list-style-type: none"> Thursday, April 6, 2017 if a two-year account is required.
			following individuals licensed as Private	
			Professional Fiduciaries: PATRICIA DICKEN,	
			RONALD DICKEN, KAREN STEELE	
	Aff.Sub.Wit.		Account period: 2/1/14 – 1/31/15	
✓	Verified		Accounting: \$132,653.46	
	Inventory		Beginning POH: \$109,520.36	
	PTC		Ending POH: \$100,077.57	
	Not.Cred.		(\$14,333.58 is cash)	
✓	Notice of Hrg		Trustee: \$6,702.00 (already received, for	
✓	Aff.Mail	W	55.85 hours @ \$120/hr by Trustees and	
	Aff.Pub.		Affiliates (employees), pursuant to	
	Sp.Ntc.		itemization at Exhibit B. Under Paragraph 13	
	Pers.Serv.		of the Order Establishing the Diaz SNT,	
	Conf. Screen		Petitioner is authorized to receive monthly	
	Letters		payments at the rate of \$120/hr of up to	
	Duties/Supp		\$1,500/month without prior Court approval.)	
	Objections		Attorney: \$2,396.00 (\$2,110.00 for 4.3 attorney	
	Video Receipt		hours @ \$250/hr, 5.1 paralegal hours @	
	CI Report		\$90/hr, and 6.4 bookkeeper hours @ 90/hr,	
	9202		plus \$286.00 in costs)	
✓	Order		Bond: Petitioners states current bond is	
	Aff. Posting		\$145,000.00. Based on POH and anticipated	
	Status Rpt		income plus cost of recovery totaling	
	UCCJEA		\$122,077.57, Petitioner requests that bond be	
	Citation		reduced to \$135,000.00.	
	FTB Notice		Petitioner prays for the following orders:	
			1. Settling the Fourth Account and allowing,	
			confirming and approving all acts and	
			transactions set forth therein'	
			2. Approving Trustee fees for services	
			rendered through 1/31/15 of \$6,702.00 as	
			just and reasonable;	
			3. Approving the attorney fees and costs in	
			the total sum of \$2,396.00;	
			4. Reducing the trustee's bond to	
			\$135,000.00; and For such other further	
			relief as the Court deems proper.	
			Reviewed by: skc	
			Reviewed on: 5/8/15	
			Updates:	
			Recommendation:	
			File 5 - Diaz	

Attorney Janian, Paulette (for Grace Ruiz – Guardian/Petitioner)

Second Account and Report of Guardian, Petition for Settlement and for Order

Authorizing Withdrawal from Blocked Account for Payment of Attorneys Fees.

Age: 17 years		GRACE RUIZ , mother/Guardian of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The Petition requests reimbursement of costs in the amount of \$462 (\$435 filing fee, plus \$27 for certified copies). The Order states that the costs total \$461.00, resulting in a total fee request of \$961.00 instead of \$962.00. Note: If the petition is granted, a status hearing will be set as follows: • Thursday, April 13, 2015 at 9:00 a.m. in Department 303, for the filing of the third account Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required
		Account period: 02/24/13 – 03/10/15	
Cont. from		Accounting: \$170,027.79	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH: \$166,816.03	
<input checked="" type="checkbox"/>	Verified	Ending POH: \$167,775.79	
<input type="checkbox"/>	Inventory	Guardian - waives	
<input type="checkbox"/>	PTC	Attorney - \$500.00 (2.5 hours @ \$250/hr.)	
<input type="checkbox"/>	Not.Cred.	Costs - \$462.00 (filing fees, certified copies)	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner prays for an Order:	
<input checked="" type="checkbox"/>	Aff.Mail w/	1. Approving, allowing and settling the second account; and	
<input type="checkbox"/>	Aff.Pub.	2. Authorizing the payment of attorney fees and costs	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: JF			
Reviewed on: 05/08/15			
Updates:			
Recommendation:			
File 6 - Ruiz			

Petitioner Lee, Madeleine (pro per – daughter)

Petition for Instructions and Authorization Regarding Payment of Tuition for Conservatee's Daughter.

Age: 65		MADELINE LEE , daughter, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. On page 1 of the Petition, Petitioner states that she needs \$11,212.00 to fully pay for her first year of college. However in the prayer, Petitioner request \$12,950.00 be distributed to her. Need clarification as to the amount requested. 2. The Conservatee has been represented by attorney Kim Aguirre in these proceedings. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing on Mr. Aguirre. 3. Need Order. <u>Note:</u> The Court may require further information regarding the request at the hearing.
		Petitioner states the conservatee is currently incarcerated in Fresno County Jail. He was receiving monthly income prior to his arrest. Petitioner is unsure if he is still receiving a monthly allowance due to his incarceration. Petitioner believes the conservatee has \$131,849.97 cash on hand in his estate.	
		Petitioner is one of Mr. Lee's daughters and began college this year. Her annual expenses for school, including room and board and books, total \$34,161.00. Through scholarships, grants, she will be able to cover \$22,949.00 of that. She needs another \$11,212.00 to fully pay for her first year.	
Cont. from		Petitioner states that in the past, Mr. Lee has expressed his desire to provide assistance to his daughter for her education. Since Mr. Lee is currently estranged from his daughters due to his lifestyle and has pending charges against him, the court's instruction and authority are necessary.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Probate Code §2423 allows authorization, upon petition, for the conservator to pay and distribute surplus income of the estate to relatives within the second degree whom the Conservatee would, in the judgment of the court, have aided but for the existence of the conservatorship. The Court, in ordering payments under this section, may impose conditions if the court determines that the Conservatee would have imposed conditions if he had capacity to act. Petitioner states the Court can order payments by finding that the Conservatee would have aided his daughter but for the existence of the conservatorship of his estate. Mr. Lee stated that he would like to provide her with financial assistance for school. Petitioner prays that the Court find that Mr. Lee would provide financial assistance to his daughter but for the existence of the conservatorship; and that the Court order a payment of \$12,950.00.00 to Madeleine Lee.	

Reviewed by: JF

Reviewed on: 05/11/15

Updates:

Recommendation:

File 7 - Lee

Probate Status Hearing Re: Filing 2nd Account

Age: 69	CHRISTINA TOLMAN , Daughter, is Conservator. Pursuant to Order Settling Conservator's First Account filed 7/17/14, the Second account is due 5/14/15.	NEEDS/PROBLEMS/COMMENTS: 1. Need Second Account current or status report pursuant to Local Rule 7.5.	
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 5/8/15	
		Updates:	
		Recommendation:	
		File 8 - Tolman	

DOD: 3/31/12		GREGORY TAYLOR , Son and Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> In related case, 14CEPR00064, Estate of Joseph Mason (post-deceased spouse of Juanita), there were no appearances at a status hearing on 5/1/15 for the filing of the first account or petition for final distribution, and the Court set an Order to Show Cause for 6/11/15 to Attorney J. Todd Armas and Executor Cheryl Mason as to why they should not be sanctioned for failure to appear and failure to file the accounting. Both are ordered to be present on 6/11/15. <u>SEE ADDITIONAL PAGES</u>
		Accounting is waived.	
		[Third] Amended I&A filed 4/13/15: \$276,973.17	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	POH: \$279,049.78 (cash)	
<input checked="" type="checkbox"/>	Inventory	Executor (Statutory): Waived	
<input checked="" type="checkbox"/>	PTC	Attorney (Statutory): \$8,539.46	
<input checked="" type="checkbox"/>	Not.Cred.	Decedent's Will dated 8/23/04 devises the entire estate to the Mason Family Trust of 2004.	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner Gregory Taylor states he is the son of the decedent and sole heir of the Mason family upon the death of the Administrator Joseph Mason. Gregory Taylor is the court appointed executor for the estate of Juanita Mason. Gregory Taylor is the person entitled to distribution of all the estate and has waived an accounting. Petitioner requests distribution as follows:	
<input checked="" type="checkbox"/>	Aff.Mail	Christopher Taylor: \$10,000.00	
	Aff.Pub.	Jeffrey Taylor: \$5,000.00	
	Sp.Ntc.	Nicole Taylor: \$5,000.00	
	Pers.Serv.	Gregory Taylor: \$248,433.71, plus any residue	
	Conf. Screen	"Declaration of J. Todd Armas as Supplement to Petition for Probate" filed 4/13/15 concurrently with this petition states there has been ongoing confusion regarding whether the decedent funded a trust. The decedent prepared a trust, but did not transfer any assets to it. Attached are account statements and deed to real property. Review of the documents clearly show that none of the assets subject to distribution were put into a trust.	
<input checked="" type="checkbox"/>	Letters	11/9/12	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: skc

Reviewed on: 5/11/15

Updates:

Recommendation:

File 9 - Mason

Page 2

NEEDS/PROBLEMS/COMMENTS:

1. The *Third* Amended I&A filed 4/13/15 contains a copied signature page of the Probate Referee's signature dated 10/31/12, which is the page attached to the original I&A filed 11/2/12.
2. This *Sixth* Amended Petition does not contain any information required by Cal. Rule of Court 7.550 for petitions on waiver of account, including information about sales, purchases, or exchanges of assets, and changes in the form of assets, such as the various policies and accounts and the sale of the real property.
3. Morgan Stanley Acct xx18216 (inventory value \$14,287.74 as Juanita's half) was a joint tenancy account with right of survivorship, as reflected on the statement attached to Mr. Armas' declaration ("JTWROS"). Therefore, this account should not be inventoried as part of Juanita's estate, as it belonged solely to Joseph upon her death.
4. Morgan Stanley IRA Acct xxE13216 is titled in Joseph's name only, but is inventoried with half of the balance (\$18,767.29) as Juanita's "separate" property. Morgan Stanley IRA Acct. xx C13216 is titled in Juanita's name only, and is inventoried in this estate in its entirety. The Court may require clarification as to why Joseph's was divided into one-half shares with have as Juanita's "separate" property, but Juanita's was not divided.
5. As previously noted: The Decedent's will dated 8/23/04 devises her estate to the Mason Family Trust, or pursuant to Article Fifth, in the event the trust is not operative, invalid, fails or has been revoked, "in trust to the Trustee or Successor Trustee named in said Declaration of Trust to be held, administered and distributed by said Trustee or Successor Trustee as provided in this Will as follows...", which language appears to create a testamentary trust. Attorney Armas' Declaration states the trust was never funded. Petitioner requests outright distribution.

Attorney: Richard Barron (for Petitioners/Trustees Perine & Dickens)

Petition to Settle Second Account Current of Trustee and for Allowance of Fees and Costs to the Trustee and its Counsel

		RONALD DICKEN, PATRICIA DICKEN, and KAREN STEELE, and of PERINE & DICKEN PROFESSIONAL FIDUCIARIES & CONSERVATORS, Trustee(s), is Petitioner. Account period: 03/01/14 – 02/28/15 <table> <tr> <td>Accounting</td> <td>-</td> <td>\$116,444.40</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td>\$114,201.58</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td>\$106,373.42</td> </tr> </table> <table> <tr> <td>Trustee</td> <td>-</td> <td>\$4,650.00</td> </tr> </table> (37.2 hours @ \$125/hr. (rate authorized by Court). \$4,650.00 has already been paid.) <table> <tr> <td>Attorney</td> <td>-</td> <td>\$1,795.00</td> </tr> </table> (itemized by date for 3.4 attorney hours @ \$250/hr., 5.4 paralegal @ \$90/hr., and 5.10 bookkeeper hours @ \$90/hr.) <table> <tr> <td>Attorney Costs</td> <td>-</td> <td>\$286.00</td> </tr> </table> (filing fee and courtcall appearances) Current bond is \$126,000.00 (o.k.) Petitioner prays for an Order: 1. Approving, allowing and settling the second account; 2. Approving the trustee's charges to the Trust of \$4,650.00; and 3. Authorizing the attorney's fees and costs in the total amount of \$2,081.00.	Accounting	-	\$116,444.40	Beginning POH	-	\$114,201.58	Ending POH	-	\$106,373.42	Trustee	-	\$4,650.00	Attorney	-	\$1,795.00	Attorney Costs	-	\$286.00	NEEDS/PROBLEMS/COMMENTS: 1. Petition is only signed by Patricia Dickens. Probate Code §1020 requires the petition be signed by all petitioners. 2. Disbursement schedule shows payment of Trustee's fees totaling \$5,293.75. Petition states the additional amount includes \$775.00 approved in the first account and \$162.50 for February 2014. Order approving the first account did not approve the additional \$775.00. Therefore it appears there is an overpayment of \$1,068.75. 3. Attorney fees include charges totaling \$459.00 for the bookkeeper to enter check register and bank statements into the accounting program. Local Rule 7.17B considers clerical services to be a cost of doing business and are therefore not reimbursable. <p align="center">Please see additional page.</p>
Accounting	-		\$116,444.40																		
Beginning POH	-		\$114,201.58																		
Ending POH	-		\$106,373.42																		
Trustee	-		\$4,650.00																		
Attorney	-		\$1,795.00																		
Attorney Costs	-		\$286.00																		
Cont. from																					
<input type="checkbox"/>	Aff.Sub.Wit.																				
<input checked="" type="checkbox"/>	Verified																				
<input type="checkbox"/>	Inventory																				
<input type="checkbox"/>	PTC																				
<input type="checkbox"/>	Not.Cred.																				
<input checked="" type="checkbox"/>	Notice of Hrg																				
<input checked="" type="checkbox"/>	Aff.Mail W/																				
<input type="checkbox"/>	Aff.Pub.																				
<input type="checkbox"/>	Sp.Ntc.																				
<input type="checkbox"/>	Pers.Serv.																				
<input type="checkbox"/>	Conf. Screen																				
<input type="checkbox"/>	Letters																				
<input type="checkbox"/>	Duties/Supp																				
<input type="checkbox"/>	Objections																				
<input type="checkbox"/>	Video Receipt																				
<input type="checkbox"/>	CI Report																				
<input checked="" type="checkbox"/>	2620(c)																				
<input checked="" type="checkbox"/>	Order																				
<input type="checkbox"/>	Aff. Posting																				
<input type="checkbox"/>	Status Rpt																				
<input type="checkbox"/>	UCCJEA																				
<input type="checkbox"/>	Citation																				
<input type="checkbox"/>	FTB Notice																				
		Reviewed by: KT Reviewed on: 5/11/15 Updates: Recommendation: File 10 - Miranda																			

Note: If the petition is granted, a status hearing will be set as follows:

- **Wednesday, May 17, 2017** at 9:00 a.m. in Department 303, for the filing of the third account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Second Account and Report of Trustee Petition for Settlement, for Mileage
 Reimbursement, Commissions and Fees to Trustee and Attorney

		BRYAN JENSEN , son and Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 4/16/2015.</u> Minute Order states counsel requests 30 days.
		Account period: 1/1/2013 – 12/31/2014	
Cont. from 030415		Accounting - \$26,400.00	1. Pursuant to Probate Code § 2320(c)(4) and CA Rule of Court 7.903(c)(5), bond is required for special needs trusts, just as in conservatorships. <i>Schedule B, Disbursements</i> shows payments for bond premiums of \$143.47 on 2/12/2013 and of \$157.04 on 10/21/2013. Bond has not been filed for the Debra Jensen Special Needs Trust, Case 13CEPR00766 , such that these bond payments appear to be for the <u>Conservatorship bond</u> . Need proof of bond issued to Bryan Jensen as Trustee of the Debra Jensen Special Needs Trust in Case 13CEPR00766 in the sum of \$14,076.76 pursuant to Probate Code § 2320(c)(4) and CA Rule of Court 7.903(c)(5), as well as pursuant to the Special Needs Trust terms in Paragraph 14(a) on page 6. Note: BRYAN JENSEN is Conservator of the Person and Estate appointed on 4/1/2009 in Case 09CEPR00152 . Conservatee has resided in Los Angeles County since 11/12/2010. Order on <i>Petition for Transfer</i> filed 11/19/2014 grants the Court Investigator's <i>Petition to Transfer the Proceedings to Los Angeles</i> . The case file was sent to Los Angeles County on 12/9/2014 by certified mail. Minute Order dated 4/1/2015 states counsel requests 6 months, and continued the <i>Probate Status Hearing Re: Receipt of Transfer to 10/7/2015</i> . Note: Court will set a status hearing as follows: • Monday, June 29, 2015 at 9:00 a.m. in Dept. 303 for filing of the proof of bond. • Thursday, February 9, 2017 at 9:00 a.m. in Dept. 303 for filing of the third account; Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the dates listed, the hearing will be taken off calendar and no appearance will be required.
	Aff.Sub.Wit.	Beginning POH- \$25,988.99	
✓	Verified	Ending POH - \$12,397.05 (all cash)	
	Inventory	Trustee - \$500.00 (for trustee's services @ \$27.15 per hour (consisting of ½ Petitioner's usual \$54.29 hourly rate as sergeant for Santa Barbara Police Dept.; total 192 hours would result in fee of \$5,212.00;)	
	PTC	Trustee Costs - \$1,518.00 (for 2,760 miles @ \$0.55/mile, for travel from Petitioner's home in Santa Barbara to Beneficiary's convalescent facility in Gardena; for trust business matters, to review Beneficiary's care, condition, mental and physical status, and personal visits.)	
	Not.Cred.	Attorney - \$500.00 (per Local Rule 7.19.2 for 2.50 hours @ \$200.00/hour;)	
✓	Notice of Hrg	Bond - \$25,988.66 (filed in Conservatorship 09CEPR00152 ; bond rider filed 8/26/2013 increasing bond from \$23,328.06 to \$25,988.66; no bond issued for the instant SNT Case 13CEPR00766 ;))	
✓	Aff.Mail	Petitioner prays for an Order:	
	Aff.Pub.	1. Settling and allowing the Second Account and Report of the Trustee, and confirming the acts of Petitioner as Trustee;	
	Sp.Ntc.	2. Authorizing payment of the Trustee's commission and Attorney fees; and	
	Pers.Serv.	3. Allowing mileage reimbursement to Petitioner.	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	2620		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Pro Per Reyes, Maria De Jesus (Pro Per Petitioner, mother)

First Amended Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
Cont. from 010815, 022615, 040915		MARIA DE JESUS REYES, mother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.	Court Investigator Advised Rights on 11/18/2014.
	Aff.Sub.Wit.		<u>Continued from 4/9/2015.</u> Minute Order states examiner notes handed in open Court.
✓	Verified		The following issue remains:
	Inventory		1. <i>Medical Capacity Declaration</i> filed on 4/22/2015 addresses three of the defects previously raised in these notes, as it now contains the correct pages completed, and is completed by a licensed physician as required. However, the <i>Declaration</i> does not fully support the Petitioner's request for medical consent powers, because Item 7(b) is marked to indicate that the proposed Conservatee lacks capacity to give informed consent to medical treatment, but the declaration is not initialed by the physician at Item 7(b) as required to support the Petitioner's request for medical consent powers.
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
		Need Amended Capacity Declaration. —Capacity Declaration filed 4/22/2015 does not support the Petitioner's request for medical consent powers.	
		~Please see Petition for details~	
		Court Investigator's Report was filed on 12/18/2014.	
			Note: Notice of Hearing filed 4/10/2015 was served to Central Valley Regional Center on 4/8/2015 as required.
			Reviewed by: LEG
			Reviewed on: 5/11/15
			Updates:
			Recommendation:
			File 14 – Reyes

Petition for Order: Determining Interest in Trust Property; Compelling Former Trustee to Deliver Property to Trustees; and Requiring Former Trustee to Account

15

Page 2

NEEDS/PROBLEMS/COMMENTS: The following issues have not been addressed:

1. Although the capacity declaration supports dementia powers, the petition did not request dementia powers – there was no Attachment Requesting Special Orders Regarding Dementia (Mandatory Judicial Council Form GC-313) attached to the petition or amendment. Amended petition may be required for notice to the proposed Conservatee and relatives that dementia powers are also being sought.

Note: Service on the proposed Conservatee, all relatives, and VA should include all amendments to the Petition as well as the mandatory Judicial Council Form GC-313 Attachment Requesting Special Orders Regarding Dementia.

2. Need Citation and proof of personal service of Citation with a copy of the petition (including all amendments requesting dementia powers and requesting appointment of the Public Guardian) at least 15 days prior to the hearing on Proposed Conservatee Joseph R. Martinez pursuant to Probate Code §1824.
3. Need Notice of Hearing and proof of service of Notice of Hearing with a copy of the petition (including amendments) at least 15 days prior to the hearing on the proposed Conservatee's spouse, Carmen Lopez (Martinez), pursuant to Probate Code §1822(b)(1).
4. Need proof of service of Notice of Hearing with a copy of the petition (including amendments) at least 15 days prior to the hearing on the jurisdictional Office of Veterans Administration pursuant to Probate Code §1822(d).
5. The caption of the Capacity Declaration indicates that it was filed by the Fresno County Public Guardian; however, it does not appear that he Public Guardian is involved in this matter. Need clarification.
6. If Public Guardian is appointed, need new Order and Letters.

Note: If granted, the Court will set status hearings as follows:

- Thursday, October 15, 2015 for filing the Inventory and Appraisal
- Thursday, August 18, 2016 for filing the First Account

If the proper items are on file prior to the status dates pursuant to Local Rules, the status hearings may come off calendar.

Note: Petitioner Joseph R. Martinez was appointed Temporary Conservator of the Estate on 3-12-15. The Court may require an accounting for the period of his conservatorship pursuant to Probate Code §2256. If required, the Court will also set status hearing as appropriate.

Attorney: Robert Q. Bergstrom (for Petitioner Tracie Bachman, Successor Trustee)

Petition for Order Confirming Trust Assets

DOD: 6/22/2011		<p>TRACIE BACHMAN, granddaughter and Successor Trustee, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Petitioner is the presently-acting Successor Trustee of the ESTHER O. TUTTLE 2002 TRUST as Amended in 2005 (copy of Trust and Amendment attached as Exhibits 1 and 2); In 1982, Esther O. Tuttle (then Esther O. Pearce) recorded an Affidavit – Death of Joint Tenant after the death of her husband and joint tenant, BYRON M. PEARCE, transferring title of real property located on Ashlan Avenue to herself (copy of Affidavit attached as Exhibit 4); A grant deed transferring title of the real property located on Ashlan to the Trustee of the Trust was inadvertently not prepared by the attorney who prepared the Trust (Declaration of Attorney Robert Q. Bergstrom attached as Exhibit 5); Petitioner was in constant contact with Decedent up to her death; before her death, Decedent transferred her assets, including real and personal property, to Petitioner as Successor Trustee of the Trust (see Declaration of Tracie Bachman attached as Exhibit 6); Decedent executed a Last Will and Testament concurrently with execution of the Trust (copy attached as Exhibit 7); Decedent's Will devises all property of her estate, both real and personal, to the Trust; Decedent's intent to transfer her assets, both under the terms of her Will and under the terms of her Trust, was consistent and is further evidence of her intent to transfer all of her assets to the Trust; Petitioner requests that this Court confirm the real property on Ashlan Avenue and listed in Schedule A attached to the Trust is an asset subject to the Trust and under the control of Petitioner as Successor Trustee; Petitioner believes this asset is subject to her control as Successor Trustee under both Paragraph 5 of the Will and Schedule A of the Trust, and on the basis of the demonstrated intent of the Decedent to transfer her assets to the Trust. <p align="center">~Please see additional page~</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 032615			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail W/O			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: LEG

Reviewed on:
5/11/15

Updates:

Recommendation:

File 19 – Tuttle

Declaration of Tracie Bachman attached as Exhibit 6 states:

- She is the Trustee and a Beneficiary under the Trust; the Will of Esther O. Tuttle gives all of Esther's assets to the Trust and names her (misspelled as Tracie Backman) as personal representative of her estate;
- Schedule A attached to the Trust as amended in 2005 lists the real property on Ashlan as being specifically transferred to the Trust; at the time of Esther's death, title to the real property was in the name Esther O. Pearce because that was her name when title was transferred to her in 1982 after the death of her husband, Byron Pearce;
- On 8/2/2011 she signed an Affidavit of death of trustee, returned that document to Attorney Bergstrom on 8/4/2011, and his office submitted the affidavit along with change of ownership report and death certificate to the Recorder's Office on 8/12/2011;
- On 8/2/2011, Attorney Bergstrom also prepared a grant deed transferring title to the real property on Ashlan from Tracie Bachman, Trustee of the Trust, to Tracie Bachman, a single woman;
- She told Mr. Bergstrom's office that she did not want the property held in her name alone; she wanted the name of **DAVID FRISBY** also on the title;
- Mr. Bergstrom prepared a second grant deed transferring title from Tracie Bachman, Trustee of the Trust, to Tracie Bachman and David Frisby as tenants in common (see Exhibit 6(b) attached);
- On 8/2/2011, she told Mr. Bergstrom's office that she did not want to sign the grant deed and she would get back in touch to tell them what he wanted regarding title to the real property;
- On 6/27/2012, she talked to Mr. Bergstrom on the phone and told him she wanted to grant title of the real property located on Ashlan to David Frisby;
- On 7/12/2012, Mr. Bergstrom's office mailed her a grant deed transferring title from Tracie Bachman, Trustee of the Trust, to David Frisby;
- On 7/18/2012, she signed the grant deed and returned it to Mr. Bergstrom's office;
- On 7/30/2012, Mr. Bergstrom's office submitted the grant deed and change of ownership report to the Recorder's Office, which was returned on 8/6/2012 unrecorded by the Recorder's office requesting that "Esther O. Tuttle 2002 Trust, as amended in 2005" be typed above her signature; that was done and the grant deed was submitted again on 8/7/2012; on 8/9/2012, the grant deed was recorded by the Recorder's office, the original deed was mailed to her and a copy was mailed to Mr. Bergstrom's office (see Exhibit 6(c) attached);
- It was not until October 2014 that David Frisby learned that the recording process was not completed because title to the property was never transferred from Esther O. Pearce to her 2002 Trust; David Frisby went to the Recorder's office, requested a copy of the deed and was told the recording process was not completed because the property title was never transferred from Esther O. Pearce to her 2002 Trust (see Exhibit 6(d) attached);
- It is her intention to transfer the real property on Ashlan to David Frisby, and she requests an order of the Court confirming this asset as part of the Esther O. Tuttle 2002 Trust as amended in 2005, and an order granting her permission to transfer title to David Frisby.

Petitioner prays the Court find:

1. The Esther O. Tuttle 2002 Trust as Amended in 2005 is valid;
2. The assets set forth in Exhibit 8 are assets subject to the management and control of Tracie Bachman, as Successor Trustee of the Trust; and
3. As Successor Trustee of the Trust, and as sole named beneficiary, Petitioner Tracie Bachman, may transfer title of the real property located on Ashlan Avenue from Esther O. Pearce to David Frisby as requested in [the Declaration of Tracie Bachman.]

DOD: 06/21/99	MARTHA HUERTA , daughter, was appointed as Administrator with full IAEA and with bond set at \$110,000.00 on 04/02/15.	NEEDS/PROBLEMS/COMMENTS:
		<u>CONTINUED FROM 04/30/15</u>
		Minute Order from 04/30/15 states:
		The Court is not waiving bond; no appearance necessary on 05/14/15 if proof of bond is filed at least two court days prior.
Cont. from 043015	Minute Order from 04/02/15 set this hearing for status regarding Proof of Bond.	Note: Waivers of Bond have been filed by all living heirs. However, there are 3 post-deceased heirs, Frank Garcia, Beatrice Resendez, and Gilbert Resendez that are unable to waive bond.
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		1. Need Bond of \$110,000.00.
		Reviewed by: JF
		Reviewed on: 05/08/15
		Updates:
		Recommendation:
		File 20 - Garcia

Amended Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 11/28/14		MARY ELIZABETH BROWN	NEEDS/PROBLEMS/COMMENTS:
		(Daughter) is Petitioner.	
		40 days since DOD	<ol style="list-style-type: none"> Petitioner indicates at #14 that she has two siblings, but requests that the estate pass to her alone. Pursuant to intestate succession (Probate Code §6400 et seq.), the estate would pass to all siblings equally. This estate cannot be distributed via summary proceeding unless all siblings petition together for the property to pass to them in equal shares. Need Notice of Hearing. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on: <ul style="list-style-type: none"> - William Doyle (son) - Glenda Thompson (daughter). Petitioner indicates at #1 and #13 that personal property is included in this petition; however, no personal property was inventoried. Need clarification. The petition was filed with a fee waiver. If assets are distributed pursuant to this petition, the filing fee of \$435 will be due prior to entry of order for distribution. Need order, completed with legal description of the real property (and personal property, if any).
		No other proceedings	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 5/8/15
			Updates:
			Recommendation:
			File 21 – Battle-Doyle

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 01/19/2015	MIKE PISTORICH , nephew, is petitioner and is requesting to be appointed as Administrator with will annexed without bond.	NEEDS/PROBLEMS/COMMENTS: <u>Continued to 06/02/2015</u> <u>Amended Petition filed 04/28/2015.</u> 1. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1). <u>Note: If the petition is granted status hearings will be set as follows:</u> • Tuesday, 10/06/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Tuesday, 08/16/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from 041615	Full IAEA – o.k.	
<input checked="" type="checkbox"/> Aff.Sub.Wit.	Will dated: 08/07/1984	
<input checked="" type="checkbox"/> Verified	Residence: Fresno	
Inventory	Publication: The Business Journal	
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	<u>Estimated value of the Estate:</u>	
<input checked="" type="checkbox"/> Aff.Mail w/	Personal property - \$630,450.53	
<input checked="" type="checkbox"/> Aff.Pub.	Real property - \$344,238.22	
Sp.Ntc.	Total - \$974,688.75	
Pers.Serv.	Probate Referee: Rick Smith	
Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 05/11/2015
		Updates:
		Recommendation:
		File 23 – Kurtovich

Petition for Appointment of Probate Conservatorship of the Person

See petition for details.			NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 4/21/15 Voting rights affected – need minute order. 1. Need video receipt from Jimmy Leo Hawkins, Jr.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt	X	
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 5/11/15
			Updates:
			Recommendation:
			File 24 - Hawkins

Petitioner: Steven Arroyo (pro per)

Petition for Appointment of Temporary Guardian

GENERAL HEARING 7/6/15			NEEDS/PROBLEMS/COMMENTS:
STEVEN ARROYO, non-relative, is petitioner.			1. Need Notice of Hearing. 2. Need proof of personal service, 5 court days prior to the hearing, of the Notice of Hearing along with a copy of the Temporary Petition, or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Carrie Clrila Banda (mother) b. Gabriel Banda (minor) c. Audrey Banda (minor) 3. Confidential Guardian Screening form is incomplete.
Please see petition for details.			
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg	X		
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.	X		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
Reviewed by: KT			
Reviewed on: 5/11/15			
Updates:			
Recommendation:			
File 27 - Banda			

Amended Spousal Property Petition

DOD: 1/28/15		<p>SYLVIA L. SCHMIDT, surviving spouse, is petitioner.</p> <p>No other proceedings</p> <p>Decedent died intestate.</p> <p>Petitioner states she and the decedent were married on 10/29/1988, 26 years ago. Petitioner and decedent were employed full time during their marriage. At the date of marriage, decedent owed approximately \$80,000 for the real property. Payments on the loans, property insurance, property taxes, property repairs, and life insurance premiums were made with the earnings of Petitioner and decedent.</p> <p>Petitioner requests court confirmation that ½ interest in real property located at 2405 Orange Avenue in Selma and all benefits due and owing under AIG Contract no. C10476697 passes to her and that ½ interest belongs to her.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>				
Cont. from							
<input type="checkbox"/>	Aff.Sub.Wit.						
<input checked="" type="checkbox"/>	Verified						
<input type="checkbox"/>	Inventory						
<input type="checkbox"/>	PTC						
<input type="checkbox"/>	Not.Cred.						
<input checked="" type="checkbox"/>	Notice of Hrg						
<input checked="" type="checkbox"/>	Aff.Mail W/						
<input type="checkbox"/>	Aff.Pub.						
<input type="checkbox"/>	Sp.Ntc.						
<input type="checkbox"/>	Pers.Serv.						
<input type="checkbox"/>	Conf. Screen						
<input type="checkbox"/>	Letters						
<input type="checkbox"/>	Duties/Supp						
<input type="checkbox"/>	Objections						
<input type="checkbox"/>	Video Receipt						
<input type="checkbox"/>	CI Report						
<input type="checkbox"/>	9202						
<input checked="" type="checkbox"/>	Order						
<input type="checkbox"/>	Aff. Posting						
<input type="checkbox"/>	Status Rpt						
<input type="checkbox"/>	UCCJEA						
<input type="checkbox"/>	Citation						
<input type="checkbox"/>	FTB Notice						
<table border="1"> <tr> <td>Reviewed by: KT</td> </tr> <tr> <td>Reviewed on: 5/11/15</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation: SUBMITTED</td> </tr> <tr> <td>File 28 – Schmidt</td> </tr> </table>			Reviewed by: KT	Reviewed on: 5/11/15	Updates:	Recommendation: SUBMITTED	File 28 – Schmidt
Reviewed by: KT							
Reviewed on: 5/11/15							
Updates:							
Recommendation: SUBMITTED							
File 28 – Schmidt							